

**REMARKS**

Claims 1 through 18 remain in the application.

Claims 1 through 10 and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Fukatsu et al. (U.S. Patent Publication No. 2002/0052666). Applicants respectfully traverse this rejection.

U.S. Patent Publication No 2002/0052666 to Fukatsu et al. discloses a system for providing product environment information. A parts/material/price scale information system (procurement system) 24 prepares parts information, raw material information and price scale information (ordering data) on the basis of a data base 24a and supplies these kinds of information to a procurement information data warehouse 21 through an interface 23. A green (environmental) procurement on-line search system 25 supplies, for example, environmental information about each part and raw materials (hazardous chemical substance content data), as shown in FIG. 6E, to the procurement information data warehouse 21 through the interface 23. Referring to FIG. 1A, a hazardous substance registration system 11 in a product environmental specification management system 1 can register hazardous substances (regulation data) in a product hazardous chemical substance master data base 12. Data on hazardous substances in the data base 12 is supplied to the data warehouse 21 through an interface 22. A product information registration and updating system 10 can register and update product information (including environment information of a product) through a Web server 8. A user can refer to product environmental information in a product environmental specification data base 7 through a Web server 8 and a product environmental specification 6 by using a product environmental specification system 9. Fukatsu et al. does not disclose inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer.

In contradistinction, claim 1 claims the present invention as a computer method of restricted substance management and recycling in a vehicle manufacturing environment. The method includes the steps of inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. The method also includes the steps of reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds. The method further includes the steps of reporting the determined parts to the vehicle supplier and the vehicle manufacture.

The United States Court of Appeals for the Federal Circuit (CAFC) has stated in determining the propriety of a rejection under 35 U.S.C. § 103, it is well settled that the obviousness of an invention cannot be established by combining the teachings of the prior art absent some teaching, suggestion or incentive supporting the combination. See In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 U.S.P.Q. 657 (Fed. Cir. 1985); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 221 U.S.P.Q. 929 (Fed. Cir. 1984). The law followed by our court of review and the Board of Patent Appeals and Interferences is that “[a] prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.” In re Rinehart, 531 F.2d 1048, 1051, 189 U.S.P.Q. 143, 147 (C.C.P.A. 1976). See also In re Lalu, 747 F.2d 703, 705, 223 U.S.P.Q. 1257, 1258 (Fed. Cir. 1984) (“In determining whether a case of prima facie obviousness exists, it is necessary to ascertain whether the prior art teachings would appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitution or other modification.”)

Fukatsu et al. '666, either alone or modified, does not teach or suggest the claimed invention of claim 1. Specifically, Fukatsu et al. '666 merely discloses a system for providing product environment information in which a hazardous substance registration system in a product environmental specification management system can register hazardous substances (regulation data) in a product hazardous chemical substance master data base. Fukatsu et al. '666 lacks inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. In Fukatsu et al. '666, the hazardous substance registration system 11 can register hazardous substances (regulation data) in a product hazardous chemical substance master data base 12, but not both restricted substances and recycle content data of vehicle supplier parts into a computer system of a vehicle manufacturer. Further, Fukatsu et al. '666 does not disclose determining parts with banned or recycled content or substances over predetermined thresholds, and reporting the determined parts to the vehicle supplier and the vehicle manufacture. Contrary to the Examiner, the recitation of vehicle supplier parts into a computer system of a vehicle manufacturer are not descriptive material, but are narrowing limitations for claiming the invention of a method of restricted substance management and recycling in a vehicle manufacturing environment. There is no suggestion or motivation for modifying Fukatsu et al. '666.

The present invention sets forth a unique and non-obvious combination of a computer method and system of restricted substance management and recycling in a manufacturing environment that replaces a labor-intensive, fax-based reporting process, facilitates the collection of valuable information on recycled content in order to meet corporate targets and regulatory requirements, and improves the identification, reduction, and elimination of certain hazardous substances in dimensional parts. Fukatsu et al. '666, if modifiable, fails to teach or suggest the combination of a computer method of restricted substance management and

recycling in a vehicle manufacturing environment including the steps of inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer, reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds, and reporting the determined parts to the vehicle supplier and the vehicle manufacture as claimed by Applicants. Thus, the Examiner has failed to establish a case of prima facie obviousness. Therefore, it is respectfully submitted that claim 1 and the claims dependent therefrom are allowable over the rejection under 35 U.S.C. § 103.

As to claim 18, claim 18 claims the present invention as a system for restricted substance management and recycling in a vehicle manufacturing environment. The system includes a computer system for inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle, for reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds, and for reporting the determined parts to the vehicle supplier and the vehicle manufacture.

Fukatsu et al. '666, either alone or modified, does not teach or suggest the claimed invention of claim 18. Specifically, Fukatsu et al. '666 merely discloses a system for providing product environment information in which a hazardous substance registration system in a product environmental specification management system can register hazardous substances (regulation data) in a product hazardous chemical substance master data base. Fukatsu et al. '666 lacks a computer system for inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle, for reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds, and for reporting the determined parts to the vehicle supplier and the vehicle manufacture. In Fukatsu et al. '666, the hazardous substance registration system 11 can register hazardous substances (regulation data) in

a product hazardous chemical substance master data base 12, but not determining parts with banned or recycled content or substances over predetermined thresholds and for reporting the determined parts to the vehicle supplier and the vehicle manufacture. Contrary to the Examiner, the recitation of vehicle supplier parts into a computer system of a vehicle manufacturer are not descriptive material, but are narrowing limitations for claiming the invention of a system for restricted substance management and recycling in a vehicle manufacturing environment. There is no suggestion or motivation for modifying Fukatsu et al. '666.

The present invention sets forth a unique and non-obvious combination of a computer method and system of restricted substance management and recycling in a manufacturing environment that replaces a labor-intensive, fax-based reporting process, facilitates the collection of valuable information on recycled content in order to meet corporate targets and regulatory requirements, and improves the identification, reduction, and elimination of certain hazardous substances in dimensional parts. Fukatsu et al. '666, if modifiable, fails to teach or suggest the combination of a system for restricted substance management and recycling in a vehicle manufacturing environment including a computer system for inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle, for reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds, and for reporting the determined parts to the vehicle supplier and the vehicle manufacture as claimed by Applicants.

Further, the CAFC has held that "[t]he mere fact that prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification". In re Gordon, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). The Examiner has failed to show how the prior art suggested the desirability of modification to achieve Applicants' invention. Thus, the Examiner has failed to establish a case

of prima facie obviousness. Therefore, it is respectfully submitted that claim 18 is allowable over the rejection under 35 U.S.C. § 103.

Claims 11 through 17 was rejected under 35 U.S.C. § 103 as being unpatentable over Fukatsu et al. '666 in view of Farmer et al. (U.S. Patent Publication No. 2003/0004965). Applicants respectfully traverse this rejection.

U.S. Patent Publication No. 2003/0004965 to Farmer et al. discloses a hazard communication system. A process is presented for communicating hazards associated with chemical substances. The process includes the steps of creating a hazard communication document by entering material information into the system, processing entered information through an authoring module where hazard information is decompiled, associated with the material information, recompiled to provide hazard information about the material, its components, decomposition products of the material, and substances related to the material, and disseminating such hazard information. Farmer et al. does not disclose inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer.

In contradistinction, claim 17 claims the present invention as a computer method of restricted substance management and recycling in a vehicle manufacturing environment. The method includes the steps of inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. The method also includes the steps of validating the inputted data, saving partial inputted data, and acknowledging receipt of inputted data by the vehicle manufacturer to the vehicle supplier. The method also includes the steps of reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds. The method further includes the steps of sending a non-compliance notification to the vehicle supplier and the

vehicle manufacturer if there are determined parts and sending a compliance notification to the vehicle supplier and the vehicle manufacturer if there are no determined parts.

None of the references cited, either alone or in combination with each other, teach or suggest the claimed invention of claim 11 through 17. Specifically, Fukatsu et al. '666 merely discloses a system for providing product environment information in which a hazardous substance registration system in a product environmental specification management system can register hazardous substances (regulation data) in a product hazardous chemical substance master data base. Fukatsu et al. '666 lacks inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. In Fukatsu et al. '666, the hazardous substance registration system 11 can register hazardous substances (regulation data) in a product hazardous chemical substance master data base 12, but not both restricted substances and recycle content data of vehicle supplier parts into a computer system of a vehicle manufacturer. Fukatsu et al. '666 also lacks determining parts with banned or recycled content or substance over predetermined thresholds. Contrary to the Examiner, the recitation of vehicle supplier parts into a computer system of a vehicle manufacturer are not descriptive material, but are narrowing limitations for claiming the invention of a system for restricted substance management and recycling in a vehicle manufacturing environment.

Farmer et al. '965 merely discloses a hazard communications system including creating a hazard communication document by entering material information into the system, processing entered information through an authoring module where hazard information is decompiled, associated with the material information, recompiled to provide hazard information, and disseminating such hazard information. Farmer et al. '965 lacks inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a

computer system of a vehicle manufacturer. In Farmer et al. '965, the system creates a hazard communication document by entering material information into the system, but not both restricted substances and recycle content data of vehicle supplier parts into a computer system of a vehicle manufacturer. Further, neither Fukatsu et al. '666 nor Farmer et al. '965 discloses determining parts with banned or recycled content or substances over predetermined thresholds, sending a non-compliance notification to the supplier and vehicle manufacturer if there are determined parts, and sending a compliance notification to the supplier and vehicle manufacturer if there are no determined parts. The Examiner may not, because he doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379 F. 2d 1011, 154 U.S.P.Q. 173 (C.C.P.A. 1967). There is no suggestion or motivation for combining Fukatsu et al. '666 and Farmer et al. '965 together.

The present invention sets forth a unique and non-obvious combination of a computer method and system of restricted substance management and recycling in a manufacturing environment that replaces a labor-intensive, fax-based reporting process, facilitates the collection of valuable information on recycled content in order to meet corporate targets and regulatory requirements, and improves the identification, reduction, and elimination of certain hazardous substances in dimensional parts. The references, if combinable, fail to teach or suggest the combination of a computer method of restricted substance management and recycling in a vehicle manufacturing environment including the steps of inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer, validating the inputted data, saving partial inputted data, acknowledging receipt of the inputted data by the vehicle manufacturer to the vehicle supplier, reviewing the inputted data and determining parts with banned or recycled content or

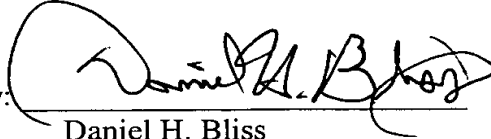


substances over predetermined thresholds, sending a non-compliance notification to the supplier and vehicle manufacturer if there are determined parts, and sending a compliance notification to the supplier and vehicle manufacturer if there are no determined parts as claimed by Applicants. The Examiner has failed to establish a case of prima facie obviousness. Therefore, it is respectfully submitted that claims 11 through 17 are allowable over the rejection under 35 U.S.C. § 103.

Obviousness under § 103 is a legal conclusion based on factual evidence (In re Fine, 837 F.2d 1071, 1073, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988), and the subjective opinion of the Examiner as to what is or is not obvious, without evidence in support thereof, does not suffice. Since the Examiner has not provided a sufficient factual basis, which is supportive of his/her position (see In re Warner, 379 F.2d 1011, 1017, 154 U.S.P.Q. 173, 178 (C.C.P.A. 1967), cert. denied, 389 U.S. 1057 (1968)), the rejections of claims 1 through 18 are improper. Therefore, it is respectfully submitted that claims 1 through 18 are allowable over the rejections under 35 U.S.C. § 103.

Based on the above, it is respectfully submitted that the claims are in a condition for allowance or in better form for appeal. Applicants respectfully request reconsideration of the claims and withdrawal of the final rejection. It is respectfully requested that this Amendment be entered under 37 C.F.R. 1.116.

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